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January 31, 2024

Via ECF

The Hon. Robyn F. Tarnofsky,
Daniel Patrick Moynihan Courthouse,
United States Courthouse,
500 Pearl Street,
New York, NY 10007-1312.

Defendant's application is GRANTED. Defendant's January 31, 2024 letter (ECF 38) shall remain under seal.

The Clerk of the Court is respectfully directed to terminate ECF 37.

Dated: January 31, 2024
New York, New York

SO ORDERED

ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

Re: *Thales Avionics, Inc. v. L3 Technologies, Inc.*,
No. 24-cv-112 (JGK) (RFT)

Dear Magistrate Judge Tarnofsky:

On behalf of Defendant L3 Technologies, Inc. (together with its parent, L3Harris Technologies, Inc., “L3Harris”), and in accordance with Rule III.E of Your Honor’s Individual Practices, I respectfully request permission to file under seal L3Harris’s letter, dated January 31, 2024 (the “Letter”), in response to the Court’s request at yesterday’s conference.

The Letter contains confidential and competitively sensitive information that is similar to the materials that this Court has previously ordered filed under seal. (ECF No. 36.) L3Harris incorporates and relies on the arguments set forth in its letter to seal such material. (ECF No. 30.) The Letter describes certain confidential communications made in connection with a competitive bidding process that has not yet resulted in a final sale. Unlike documents such as a complaint or a motion for summary judgment, these communications are not “highly relevant to the exercise of Article III power” and there is not a strong public interest in their disclosure. *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132, 142 (2d Cir. 2016).

For the foregoing reasons, L3Harris respectfully requests that the Court permit the Letter to be filed under seal.

The Hon. Robyn F. Tarnofsky

-2-

Respectfully submitted,

/s/ Thomas C. White

Thomas C. White

cc: All Counsel of Record (By ECF)